

## **LR 3000.1 Authorized Proceedings**

With the consent of the defendant, and subject to the commentary which follows this local rule, video teleconference (VTC) proceedings are authorized in the following criminal proceedings:

- (a) Initial Appearances pursuant to Fed. R. Crim. P. 5**
- (b) Arraignment pursuant to Fed. R. Crim. P. 10**
- (c) Other Preliminary Pretrial Proceedings**
- (d) Initial Appearances in Petty Offense Cases.**

### **LR 3000.2 Notice Requirements**

#### **(a) Defendant Requested VTC**

A defendant wishing to appear by video conference shall notify the Clerk's Office and the United States Marshal, through counsel, at least ten (10) days prior to the date of the hearing.

#### **(b) Other Requests for VTC**

Any other party seeking to have the defendant appear by teleconference shall notify defense counsel to request consent at least fourteen (14) days prior to the hearing.

#### **(c) Waiver of Notice Period**

Time periods set forth in LR 3000.2(a) and (b) may be waived to accommodate exigent matters.

## **LR 3000.3 Judicial Requirements**

#### **(a) Acknowledgment of Consent to VTC**

At the commencement of any VTC proceeding, the Court will confirm defendant's consent on the record.

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Amendment History to LR 3000  
September 22, 2003  
LR 3000

This new rule is intended to provide guidance to litigants and court agencies about video teleconference

This rule provides a limited exception to the general preference of the Court for the personal appearance of a defendant. See *Federal Rule of Criminal Procedure 43(c)(6)* and *Commentary*.

In establishing this rule, the Court recognizes that in some instances, the personal appearance of a defendant is required.

In opposition to these concerns, factors weighing against VTC proceedings include:

- (1) Shifting travel costs from one party to another by requiring attorneys and interpreters to travel to the court;
- (2) Potential degradation of the attorney-client relationship, and the need for defendants to consult privately with their attorneys;
- (3) Pretrial Services' need to interview defendants and facilitate the expeditious release of eligible defendants;
- (4) The U.S. Marshal's need to have the defendant physically present for booking and processing;
- (5) Defense counsel's need to review and explain documents to the defendant; and

(6) Potential VTC technology problems between sites.

#### LR 3000.1

Consent Requirements: Appearance by a defendant at a VTC proceeding requires consent of the defense.

Consultation with Counsel: In all cases in which the right to counsel applies, a defendant must be afforded an opportunity to consult with counsel.

Interpreters: A defendant whose primary language is not English must be afforded an interpreter for proceedings.

#### LR 3000.2

Notice Requirements: The 10-day notice requirement provides time for the U.S. Marshal's Service to complete the application.

Both notice requirements provide defense counsel sufficient time to review the application and confer with the defendant.

Section (c) permits accommodation for exigent circumstances, i.e. emergency matters, expedited first appearance.